

Town of Nolensville
Planning Commission Meeting
Regular Meeting
November 10, 2005
7:00 P.M.
At Nolensville Elementary School

Members in attendance were as follows: Jimmy Alexander, Rick Fisher, Larry Gardner, Frank Wilson, Charles Knapper, Willis Wells, James Clark, Kristie McArthur, and Bob Haines.
Staff present was Henry Laird, Richard Woodroof, Bob Notestine, and Tonia Smith.

Agenda Item I- Meeting called to order by Chairman Willis Wells

Agenda Item II- Pledge of Allegiance

Agenda Item III- Approval of Minutes

Frank Wilson made a motion to approve the minutes for October 10th meeting. Rick Fisher seconded the motion, passed unanimously.

Agenda Item IV- Citizen Comments

Aubrey Short- 803 Rockwood Drive-stated in 1999 a Growth Planning Survey was done. Our citizens' returned the survey form and 93.4% agreed it is important for local residents to plan what type of growth should occur in the Nolensville area. The town should enforce zoning ordinances and impact fees on developers, 81% agreed. I strongly urge you to read the Growth Planning Survey that was done in 1999.

Ted Behar- 9868 Sam Donald Road- he asked to take care of the present residents. The developers are causing unsafe construction areas. That result in services such as water and phone interruptions. He also stated his concerns with the open space areas in Bent Creek, such as the detentions ponds and the pump station that is not being held to a standard that they have accepted.

Joe Curtsinger- 7380 Nolensville Road- stated he would like the planning commission to consider what has been approved in the past. We have two new schools that have been built. All this time there has never been an impact fee to the developer that could go to the schools. He feels that this should be taken in the consideration to help out the schools in our area.

Terry McCoy-2216 Rolling Hill Drive- stated she has been a part of the Sunset school parent leadership team since January. I have spent hours and hours trying to get things sat up there. We are working on our athletic club, as the developments are built please keep Sunset Elementary and Sunset Middle in mind.

Agenda Item V- Public Hearing on Land Use Policy Plan

Public Hearing on Land Use Policy Plan opened at 7:25. Henry Laird explained to the citizens the two options of the Land Use Plan Map.

Joe Curtsinger- 7380 Nolensville Road- stated less than a year ago, it was concern there would be no sort of development happening in that area. I find it interesting there is no option 3. It will change our density from .6 to either 1 to 1.8 and there will be a 300% increase in our density if option 2 is chosen.

John Robert Jones- 9950 Maxwell Lane- stated to make a better community you must have a mixture of all types of people but the homes that are being considered are in the price ranges of \$300,000 to \$700,000. I don't believe there are that many people in this area that could afford them.

Adrian Jones- 2544 York Road- stated he would like to urge the board to consider option 1 because it is the right thing to do.

Cheryl Williams Holt- 2538 York Road- stated she would like the board to consider option 1.

Aubrey Short- 803 Rockwood Drive- stated he was an original member of the committee when the town was incorporated. On April 22, 1998, the original committee met to determine what direction to follow. We need to think what the best for our town is. He asked the board to read over the Land Use Policy that was accepted in 1998. Neither one of the options is acceptable.

There were no further comments. Public Hearing was closed at 7:45.

Agenda Item VI- New Business

a.) Land Use Policy Plan

James Clark stated I disagree with both options.

Jimmy Alexander stated he had a possible suggestion if we were to go with Option 1. The areas along York, Williams, Clovercroft, and south of the by-pass, have a statement incorporated into the land use policy plan, than all these would be designated only for single family conventional subdivision. If we were to accept option 1, the lots that front on York Road from the Church, those are currently in the city limits, would like to be included in option 1.

Charles Knapper stated I think there are still some concerns of which option to choose. I think it is very clear that we need the commercial area north of town. Staff is waiting for this discussion.

Larry Gardner asked if this map is just the land use plan, not a zoning map?

Henry Laird stated this is not a zoning map, just a policy, we can go by.

Charles Knapper stated he would like to point out in option 2, the planning commission years ago decided they wanted to make that area around York Road and south of York Road 1.5 units per acre. This was less density than what the County allowed, which was 1.0 unit. We have kept the density the same as what the county was.

Richard Woodroof stated it is actually .6 density and 1 acre lot.

Jimmy Alexander made a motion to accept the land use plan as drawn from the area North of Rocky Fork Road to the city limits and defer the remainder of the land use policy until further notice. Rick Fisher seconded the motion.

There was more discussion and Jimmy Alexander and Rick Fisher withdrew their motion.

Bob Haines made a motion to adopt the Land Use Policy Plan with the Option 1 Land Use Map to be revised to include the lots inside the corporate limits just south of York Road and that the area located generally south of Mill Creek and the village area and the York and Williams Road be developed in the future as single-family residential, conventional subdivision. Larry Gardner seconded the motion. Motion passed with Larry Gardner, Jimmy Alexander, Willis Wells, Bob Haines, Frank Wilson, and Charles Knapper for and Rick Fisher, Kristi McArthur, and James Clark against.

b.) Rezoning requests:

Willis Wells stated 1 through 11 are all asking to be rezoned from SR to Commercial.

Henry Laird stated that the application said Commercial but it is actually Commercial Regional. That was their intention.

Frank Wilson made a motion to recommend to the Board of Mayor and Alderman to rezone 1 through 11 to Commercial Regional. Charles Knapper seconded the motion.

Jimmy Alexander stated item eleven should go to commercial instead of Commercial Regional.

Frank Wilson amended his motion to recommend to the Board of Mayor and Alderman to rezone the first ten to Commercial Regional (map 33, parcel 82.02, 82.00, 83.01, 83.02 83.03, 83.04 83.08, 83.00 & 83.09 83.05, & 83.06). Charles Knapper seconded the motion, passed unanimously.

11.) Map 33, Parcel 108.01 John Herbert; SR to Commercial

Jimmy Alexander made a motion to recommend to the Board of Mayor and Alderman to rezone to commercial. Bob Haines seconded the motion, passed unanimously.

Henry Laird stated they would like to have the front 1,000 feet rezoned to commercial services and the back portion rezoned to office industrial to match up with Haley Industrial.

Jimmy Alexander amended his motion to recommend to the Board of Mayor and Alderman to rezone the front 1,000 feet portion to Commercial and the back portion to Office Industrial. Bob Haines seconded the motion, passed unanimously.

12.) Map 56, Parcel 58.16 & 58.02, Trace Development Co. from UR to CS

Henry Laird stated that Rick Fussell is here to answer any questions. They would like to rezone this front portion to commercial and keep 3.25 acres of Urban Residential.

Rick Fisher asked what kind of commercial did they intend on building.

Rick Fussell stated they really did not know at this time.

Larry Gardner asked if they could straighten the road out.

Charles Knapper stated that if we allowed them to keep the back portion as UR, they may have town homes on the 3.25 acres.

Rick Fussell asked to be deferred to next month.

13.) Tom Moon on Williams/Jones property and Green property from ER to SR

Willis Wells made a motion to accept the rezoning of the Williams/Jones property and Green property from ER to SR. Kristi McArthur seconded the motion, passed with Larry Gardner, Jimmy Alexander, Willis Wells, Bob Haines, Frank Wilson and Charles Knapper for and Kristi McArthur, Rick Fisher and James Clark against.

c.) Bent Creek Final Plat PUD, Phase 3, Section 1

Henry Laird stated this is for Bent Creek Final Plat, Phase 3, Section 1. They have addressed all of our comments.

Jimmy Alexander made a motion for approval of the Bent Creek Final Plat PUD, Phase 3, Section 1. Larry Gardner seconded the motion. Motion passed with Jimmy Alexander, Rick Fisher, Larry Gardner, Frank Wilson, Charles Knapper, Willis Wells, Kristie McArthur, and Bob Haines for and James Clark against.

Charles Knapper asked if there were any areas in the phase, where you will see the detention pond. Eric McNeely stated not in this phase.

Charles Knapper stated in this section the houses open to the front and the rear is to the buffer.

Bob Haines stated we have talked about removing the center of the cul-de-sac.

Larry Gardner made a motion to amend Jimmy Alexander's motion to remove the islands from the cul-de-sac. Bob Haines seconded the motion, passed unanimously.

d.) Reserve at Bent Creek Final PUD

Richard Woodroof stated this is the final PUD plan for the reserve at Bent Creek. They have addressed all the issues.

Rick Fisher stated there are some questions on the mountable curbs.

Eric McNeely stated the Planning Commission had asked for wider streets. We turned in the typical cross section to the BOMA and it was approved.

Larry Gardner asked did you have a special landscape plan with Matt Happel.

Eric McNeely stated yes we have it in writing.

Willis Wells made a motion to accept the final plat for Bent Creek Reserve. Bob Haines seconded the motion. Motion passed with Jimmy Alexander, Rick Fisher, Larry Gardner, Frank Wilson, Charles Knapper, Willis Wells, Kristie McArthur, and Bob Haines for and James Clark against.

Larry Gardner made a motion to amend to remove the island from the cul-de-sac. Bob Haines seconded the motion. Motion passed with Jimmy Alexander, Rick Fisher, Larry Gardner, Frank Wilson, Charles Knapper, Willis Wells, Kristie McArthur, and Bob Haines was for and James Clark was against.

e.) Collision Center Site Plan

Willis Wells stated the Collision Center Site Plan has been deferred until next month.

f.) Chilver's Commercial Building Site Plan

Richard Woodroof stated this is approval for the back two buildings. We have approved the first two and they have addressed all the landscaping. Staff recommends for approval.

Frank Wilson made a motion for approval of the Chilver's Commercial Building Site Plan. Rick Fisher seconded the motion, passed unanimously.

g.) Burkitt Place, Final Plat, Phase 1A, Section 1

Henry Laird stated this is on the county line. They have addressed all of our comments.

Richard Woodroof stated we have set the bond amount for phase 1a, section 1, Final Plat of Burkitt Place to \$857,000.00.

Rick Fisher asked, "Is this the main front entrance of this subdivision?"

Kevin Gangaware (engineer for Civil Site) stated there will be two entrances, one off of Burkitt Road and the other on Nolensville Road. The main entrance will be off of Burkitt Road. We are widening Burkitt Road from the subdivision to Nolensville Road.

Charles Knapper made a motion to approve Burkitt Place, Final Plat, Phase 1A, Section 1 and set the bond amount to \$857,000.00. Frank Wilson seconded the motion, passed unanimously.

h.) Burkitt Place, Final Plat, Phase 1A, Section 2

Henry Laird stated this is also at the county line and they have addressed all of our comments.

Richard Woodroof stated the bond amount for this phase is \$163,000.00.

Charles Knapper made a motion to approve Burkitt Place, Final Plat, Phase 1A, Section 2 and set the bond amount at \$163,000.00. Bob Haines seconded the motion, passed unanimously.

Larry Gardner stated he had a question on the island. What is the radius on the island?

Kevin Gangaware stated there is a 40 foot radius.

Presley Hughes stated that seems a little short.

Kevin Gangaware stated they would be happy to work with the fire chief.

Larry Gardner amended the motion for approval with the conditions they work with the fire chief on the cul-de-sac radius. Bob Haines seconded the motion, passed unanimously.

i.) Winterset Woods, Final Plat Section 3

Richard Woodroof stated we have set the bond amount to \$158,000.00. Staff recommendation for approval with the bond amount and the minor correction of lot 311.

Jimmy Alexander made a motion for approval with the conditions of the correction of the building envelope on lot 311 and setting the bond amount to \$158,000.00. Frank Wilson seconded the motion, passed unanimously.

j.) Winterset Woods, Final Plat Section 4

Richard Woodroof stated the bond amount for Section 4 would be \$740,000.00. Staff recommendation is for approval.

Charles Knapper made a motion for approval of Winterset Woods, Final Plat Section 4 and set the bond amount to \$740,000.00. Jimmy Alexander seconded the motion, passed unanimously.

k.) Additional zoning definitions

Henry Laird stated these are recommended definitions that are not defined in the ordinance.

Charles Knapper made a motion for approval of the zoning definitions. Frank Wilson seconded the motion, passed unanimously.

The zoning definitions are as follows:

Atrium houses –A variation of the patio home; has an open court within the interior onto which rooms open. It may also take a free-standing or attached form in rows, groups, or clusters, and may be two stories or more in height

Attached Senior Housing- A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling for use as a complete, independent living facility for use by a senior family member (60 years of age or older) with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

Auction House- A building or structure or lands used for the storage of goods and materials which are to be sold on the premises by public auction and for the sale of the said goods and materials by public auction and on an occasional basis.

Automotive Major Repair- A facility which is used for painting, body and fender work, engine overhauling or other major repair of motor vehicles.

Automotive/Vehicular Sales and Service – The retail or wholesale sale or rental of automobiles, motorcycles, any other type vehicles including boat, truck and trailer sales, or recreational equipment, along with incidental services or maintenance.

Cemetery- The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried.

Charitable or Social Organization- A non-government, not-for-profit, non-commercial organization which carries on social, cultural, welfare, athletic or recreational programs for the benefit of the community.

Cluster development – A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. Permitted under Planned Unit Development.

Community Center- A building or part of a building used for community activities without purpose of gain, the control of which is vested in the State, County, Municipality, a local board or agent thereof.

Condominium – A form of ownership of property under which units of improvements are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share in the common areas.

Convenience Store- An establishment where a limited supply of food stuffs, tobacco, patent medicines, periodicals and other similar items or household convenience is kept for retail sale to the public.

Educational Facility- A place of instruction under the jurisdiction of a government authority and a place of instruction (excepting a commercially operated trade or vocational school) offering courses equivalent to those customarily offered in a place of instruction under the jurisdiction of a governmental authority, and includes a day nursery and residence buildings for staff and students, provided that such buildings are on the same lot as the place of instruction.

Emergency Medical Service- Any institution, building or other premises established for the provisions of emergency medical services to persons afflicted with or suffering from sickness, disease or injury without the provision of overnight or long term stays.

Emergency Services- Services for the community that include the Police Department, Fire Department, and Ambulance and associated services used to address threatening issues with life and property.

Entertainment Facility- A building, structure or lot used or intended to be used for the purpose of night clubs, cabarets, cinemas, theaters and the like.

Fast Food Restaurant with Drive Through- A building where prepared food for sale or sold to the public for consumption on or off premises but not to include a full-service restaurant where meals are served to customers at tables on the premises.

Food Service Stands- A stand, vehicle, trailer, or other device of temporary, portable nature, usually without permanent water/sewer services, not enclosed in a building structure that sells food and related items, not including mobile delivery food services that are parked for a few minutes to complete the sale and delivery of food.

Financial Institution- The premises of a bank, trust company, finance company, mortgage company or investment company.

Fraternal Organization- A group of people formally organized for a common interest, usually cultural, religious or of entertainment with regular meetings, rituals and formal written membership requirements.

Funeral Home- A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

Gasoline Sales and or Services- A premises where motor vehicle fuels or lubricants are kept for retail sale, and where only minor or emergency repairs essential to the actual operation of motor vehicles may be performed, and where grease, anti-freeze, tires, spark-plugs and other automobile supplies may also be sold incidentally, and where motor vehicles may also be oiled or greased, but where no other activities or a public garage are carried out.

General Retail-The selling of goods, wares, merchandise, substances, articles or things at retail but not including auto or vehicular sales, rent-all shops and rental vehicle/equipment businesses.

Governmental Civic Organizations- REMOVE FROM ORDINANCE

Hand Crafted Objects For Sale- REMOVE FROM ORDINANCE

Medical Office- A building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation.

Nursery, Retail, Wholesale- Land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale.

Park- An area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation designed to serve the residents or a neighborhood, community, region and/or State.

Patio homes – a form of single-family attached housing, one story, usually L-shaped. Side and rear yards are often consolidated into one garden area, which is often enclosed by walls or fencing.

Planned unit development (PUD)- A land tract in which a multiplicity of land uses may be permitted, designed to facilitate the flexible techniques of land development and site design by providing relief from zone requirements for convention developments. It requires approval of a master, or concept plan, and usually promotes common objectives similar to cluster developments. Rezoning is required since the PUD is an overlay district placed over an existing base zone.

Personal Services- A service which administers to the individual and personal needs of persons and includes barber shops, beauty parlors, laundromats, shoe repair shops and depots for collecting dry cleaning and laundry, haberdashery and similar uses.

Professional Office- A building or structure designed, intended or used for the practice of a profession but shall not include a retail commercial use, any industrial use, clinic, financial institution or place of amusement or place of assembly

Religious Institution- A Church, a Synagogue, a Bible Institute, a Christian Science reading room, a religious library or a religious school.

Recreational and Athletic Facilities- A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Recreational Equipment- A vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, or self-propelled.

Rent-All Shop- A building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools, power tools, and the like.

Rental Vehicle Business- A building and/or lot where cars, trucks, or other motor propelled vehicles are rented to the general public for leisure, moving, or other general purposes.

Restaurant- A place where food and drink is served to the public for consumption either inside or outside of the building.

Self Storage Facility- A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Stables/Animal Boarding Facilities- A building or part of a building in which horses or other animals are boarded or kept for commercial purposes.

Supermarket- A building or part of a building wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis.

Upholstery/Furniture Repair- A premises used in the refinishing and repair of furniture.

Urban Residential Planned Development (URPD) – Similar concept as a planned unit development (PUD) but is not applied as an overlay district in this ordinance. It allows a higher density residential detached housing, and attached housing, in accordance with an overall concept plan.

Utility Facility- Any above-ground structures or facilities used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil or electronic signals.

Vehicular Sales- The retail or wholesale sale or rental of automobiles, motorcycles or recreational equipment, along with incidental service or maintenance.

Veterinary Office- A building or part of a building used in the medical care of animals.

Warehousing and Wholesaling- A building or part thereof, which is used primarily for the housing, storage, adapting for sale, package or wholesale distribution of goods, wares, merchandise, food stuff substances, articles and the like but does not include a fuel storage tank.

Agenda Item VI- Old Business

a.) Bond Report

Richard Woodroof stated the total amount for the Performance/Maintenance Bonds is \$1,328,769.40. There is a performance bond coming due on the 23rd. I will be working with Eric McNeely and they would like that to become a maintenance bond.

Frank Wilson made a motion to accept the bond report and to change Bent Creek Phase 1 to a maintenance bond. Rick Fisher seconded the motion, passed unanimously.

Agenda Item VII- Other Business

Richard Woodroof stated he would like to discuss at the next planning commission meeting bonding on the new Clovercoft Road.

Charles Knapper stated there is one more thing I would like to discuss. The Board of Mayor and Alderman have received a letter regarding the acceptance of being on the agenda at the MPO Meeting on December 7th regarding the by-pass.